REMARKS

Claims 28, 29, 32-39, 46-48 and 53-56 remain before the Examiner for reconsideration. Claims 28, 46 and 53 are currently amended. New claims 91 and 92 are added for consideration. Claims 1-27, 30, 31, 40-45, 49-52, 57-90 are withdrawn.

Specification

In the Office Action dated August 13, 2004, the Examiner objected to the abstract of the disclosure, asserting that "the abstract is drawn to a syringe and not the elected species of a connector. Correction is required. See MPEP § 608.01(b)." Applicants have amended the abstract as set forth above, and respectfully assert that the abstract, as amended, is drawn to the elected species of a connector.

Rejection Under 35 U.S.C. Section 102

The Examiner rejected claims 28, 29, 32-39, 46-48 and 53-56 under 35 U.S.C. 102(b) "as being anticipated by US patent 4969879, Lichte." Specifically, the Examiner asserted that:

> In regards to claim 28, Lichte discloses a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:
>
> a cooperating tapered fitting (38);
>
> at least one port (310) in fluid connection with the cooperating tapered fitting; and
>
> a cooperating attachment member (240) attached to the cooperating fitting to engage the attachment member of the tapered fitting assembly, a predetermined level of force being require to cause the cooperating attaching elements to form a cooperating connection with the at least one attachment member of the tapered fitting assembly.
>
> In regards to claim 29, Lichte discloses the cooperating attachment member engaging the attachment member via relative axial motion of the cooperating tapered fitting and the fitting assembly.

In regards to claim 32, Lichte discloses the cooperating attachment member comprising at least one axially extending arm (266) having at least one radially inward extending flange (282) projecting therefrom.

In regards to claim 33, Lichte discloses the cooperating attachment member comprising a plurality of extending arms, each of the arms having at least one radially inward extending flange projecting therefrom.

In regards to claim 34, Lichte discloses the flanges of the arms being biased radially inward in connection with the attachment member of the tapered fitting assembly when the connector and the fitting assembly are engaged.

In regards to claim 35, Lichte discloses the arms being resilient, flexing arms and being biased radially inward by a bending moment.

In regards to claim 36, Lichte discloses the arms being biased radially inward by a locking member (270, 272) attached to the connector.

In regards to claim 37, Lichte discloses the connector further comprising a biasing member to provide axially oriented force directed to retain the tapered fitting assembly and the cooperating tapered fitting of the connector in sealing engagement.

In regards to claim 38, Lichte discloses the biasing member comprising at least one resilient spring arm in operating connection with the cooperating tapered fitting.

In regards to claim 39, Lichte discloses the biasing member comprising a plurality of resilient spring arms in operating connection with the cooperating tapered fitting.

In regards to claim 46, Lichte discloses a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:

a cooperating tapered fitting; and

a plurality of resilient, extending arms in operative attachment with the cooperating tapered fitting, each of the arms comprising at least one radially inward extending flange, a predetermined level of force being require to cause the radially inward extending flanges to form a cooperating connection with the at least one attachment member of the tapered fitting assembly.

In regards to claim 47, Lichte discloses a rearward surface of the radially inward extending flanges of the arms being sloped forward to cause the

arms to flex radially outward when the connector is moved to contact the radially inward extending flanges of the arms with the attachment member of the tapered fitting assembly which comprises a radially outward extending flange.

In regards to claim 48, Lichte discloses a biasing member in operative connection with the cooperating tapered fitting to provide an axial force directed to maintain the tapered fitting assembly and the connector in engagement when the connector is engaged to the tapered fitting assembly.

In regards to claim 53, Lichte discloses a connector for use with a tapered fitting assembly having at least one attachment member, the connector comprising:

a cooperating tapered fitting;

a cooperating attachment member operable to engage the attachment member of the tapered fitting assembly; and

at least one port in fluid connection with the cooperating tapered fitting; the cooperating attachment member comprising a plurality of extending arms, each of the arms comprising at least one radially inward extending attaching element, the connector further comprising a biasing member to provide axially oriented force directed to retain the tapered fitting assembly and the cooperating tapered fitting of the connector in sealing engagement.

In regards to claim 54, Lichte discloses the biasing member comprising at least one spring arm in operative connection with the cooperating tapered fitting.

In regards to claim 55, Lichte discloses the connector being formed from an integral piece of resilient polymeric material.

In regards to claim 56, Lichte discloses the connector being formed from an integral piece of resilient polymeric material.

Applicants respectfully traverse the Examiner's rejection.

To assert anticipation under Section 102(b) the cases hold that the Examiner:

must show that each element of the claim in issue is found, either expressly described or under principles on inherency, in a single prior art reference, or, that the claimed invention was previously known or embodied in a single prior art device or practice.

Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 771, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. Denied, 465 U.S. 1026 (1984); Tyler Refrigeration v. Kysor Industrial Corp., 777 F.2d 687, 689, 227 USPQ 845, 846-47 (Fed. Cir. 1984) (judgment of anticipation reversed). "In deciding the issue of anticipation, the trier of fact must identify the elements of the claims, determine their meaning in the light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference." Lindemann, 730 F.2d at 1458, 221 USPQ at 485; Kalman, 713 F.2d at 771, 218 USPQ at 789.

"The test for determining if a reference anticipates a claim of a patent is whether the reference contains within its four corners adequate directions for the practice of the patent claim ... ." Kistler Instrument A.G. v. United States, 628 F.2d 1303, 1311, 203 USPQ 511, 519, aff'd., 211 USPQ 920 (Ct. Cl. 1980). The reference, whether foreign or domestic, patent or otherwise, must be construed strictly for what it "clearly and definitely discloses." Application of Boling, 292 F.2d 306, 310-11, 130 USPQ 161, 164 (CCPA 1961); Aluminum Co. of Am. v. Sperry Products, Inc., 285 F.2d 911, 922, 127 USPQ 394, 403 (6th Cir. 1960), cert. denied, 368 U.S. 890 (1961). A patent is not anticipated by a reference "unless the latter exhibits the invention in such full, clear and exact terms as to enable any person skilled in the art to practice it without making experiments." 285 F.2d at 922, 127 USPQ at 403.

Initially, Applicants respectfully assert that the Examiner is incorrect in asserting that element 38 of Lichte is a cooperating tapered fitting as claimed in the present invention. To the contrary, element 38 of Lichte is a barbed port or connector that is not part of the connector or quick disconnect assembly 240 of Lichte. Indeed, the connector or quick disconnect assembly 240 of Lichte is adapted to removably connect to barbed port 38.

In several embodiments of the present invention, the connectors of the present invention include a cooperating tapered fitting having a luer taper. This luer taper is complimentary to a luer taper of a fitting of a tapered fitting assembly to which the connector of the present invention is attachable. Applicants have amended independent

claims 28, 46 and 53 to set forth that the cooperating tapered fittings of the present invention include a cooperating tapered fitting having a luer taper. Among other deficiencies, Lichte does not disclose or suggest a connector including a cooperating tapered fitting having a luer taper. Under the appropriate standard as set forth above, Lichte does not anticipate the present invention.

In several other embodiments of the present invention, the elements of the connectors of the present invention are formed from an integral piece of resilient polymeric material. Applicants have added new independent claim 91 setting forth a connector of the present invention, which is formed from an integral piece of resilient polymer material. The connector includes a cooperating tapered fitting having a taper complimentary to the taper of the fitting of the tapered fitting assembly; a cooperating attachment member operable to engage the attachment member of the tapered fitting assembly; and at least one port in fluid connection with the cooperating tapered fitting. The cooperating attachment member includes a plurality of extending arms, wherein each of the arms includes at least one radially inward extending attaching element. The connector further includes a biasing member to provide axially oriented force directed to retain the tapered fitting assembly and the cooperating tapered fitting of the connector in sealing engagement.

The Examiner is incorrect in asserting that Lichte discloses the connector being formed from an integral piece of resilient polymeric material. To the contrary, Lichte discloses a connector 240 including an interior, resilient seat portion 310 which is bonded to a tube 220 by a solvent bond. Interior seating portion is formed separately from, not sealed to and free to rotate within space 252 of connector 240. See col. 4, lines 59 to col. 5, line 9. Lichte does not disclose or suggest connectors of the present invention which are formed from an integral piece of resilient polymeric material.

In view of the above amendments and remarks, the applicants respectfully requests that the Examiner withdraw the rejections of the claims, indicate the allowability of the claims and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,
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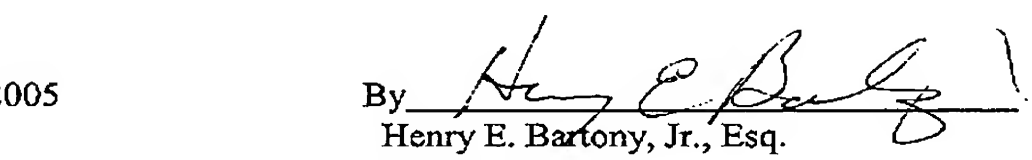
By 
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